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FROM John D. Lanza NUMBER OF PAGES 15 (including this cover page)
DATE August 11, 2006 CLIENT NUMBER 2006579-0221
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REMARKS:

Applicant: Richard Hayton et al. Examiner: Tran, Quoc A.
Serial No.: 09/704,896 Art Unit: 2176
Filing Date: November 2, 2000
Title: A Method and Apparatus for Incorporating a Partial Page on a Client

Examiner Tran,

Transmitted herewith for filing in the above-referenced application, please find the following documents:

1. Appeal Brief (13 pages);
2. Credit Card Payment Form in the amount of \$500.00 to cover fees set forth in 37 CFR 41.20(b)(2) (1 page); and
3. This Transmittal (1 page).

Kindly acknowledge receipt of the attached documents by return facsimile transmission. Thank you for your kind attention to this request.

Respectfully Submitted,

John D. Lanza
Reg. No. 40,060

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant:	Richard Hayton et al.	Examiner:	Tran, Quoc A.
Serial No.:	09/704,896	Art Unit:	2176
Filing Date:	November 2, 2000		
Title:	METHODS AND APPARATUS FOR INCORPORATING A PARTIAL PAGE ON A CLIENT		

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Cynthia M. Gilbert
Name: Cynthia M. Gilbert

APPEAL BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In support of the Notice of Appeal filed on May 25, 2006, appealing the final rejection of all claims in the above-identified application by the Examiner, Appellants provide the following reasons that rejection is improper. Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's final rejection of the claimed subject matter and remand the application to the Examiner with instructions to allow all pending claims.

1. Real Party in Interest

The real party in interest in the above-identified application is Citrix Systems, Inc.

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2. Related Appeals and Interferences

No other appeals or interferences are known to Appellants, the Appellants' legal representative, or assignee that will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

3. Status of Claims

Claims 1, 3-11, 13-15, 17 and 18 are pending in the application.

Claims 1, 3-11, 13-15, 17 and 18 are on appeal and are set forth in Appendix A.

4. Status of Amendments

No amendment was filed subsequent to final rejection mailed on September 28, 2005.

5. Summary of Invention

As defined by the claims on appeal, Appellants' invention relates to incorporating modifications to dynamic portions of a page by a client. *See* claim 1. A server regenerates portions of a page previously transmitted to a client and subsequently transmits to the client: (1) only the changing portions of the page to the client for inclusion in the page previously transmitted to the client; and (2) a modification list that instructs the client how to replace former versions of the changed portions of the page with the transmitted dynamic portions. Independent claims 1, 11, and 15 each recite the step of receiving, at a client, a modified version of a dynamic portion of a page and an identifier specifying one of the plurality of dynamic portions of the transmitted page to be replaced by the modified version of the dynamic portion of the page. *See* claims 1, 11, and 15. Transmitting to the client only those portions of a page that have changed improves the efficiency of network communication channel and takes advantage of any portions of reusing unchanged portions of the page already stored on the client. *See* Summary of the Invention, p. 3, lines 4-12.

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6. Statement of Issues Presented for Review

Appellants present the following issue for review:

(1) Whether claims 1, 3-11, 13-15, 17 and 18, which recite receiving, at a client, a modified version of a dynamic portion of a page, are obvious over United States Patent No. 5,983,227 to Nazem *et al.* ("Nazem") and United States Patent No. 6,311,187 to Jeyaraman *et al.* ("Jeyaraman") when Nazem teaches a page server that generates a complete page in response to a request for the page without the need to make requests from other servers for portions of live data and when Jeyaraman teaches only transmission to clients of operations needed to manipulate nodes within client copies of data.

7. Groups of Claims

Claims 1, 3-11, 13-15, 17 and 18 stand or fall together.

8. Arguments

Appellants believe that the following arguments address each of the issues presented for appeal.

8.1 Claims 1, 3-11, 13-15, 17 and 18 are not obvious over Nazem and Jeyaraman because Nazem and Jeyaraman fail to teach or suggest receiving, at a client, a modified version of a dynamic portion of a page.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Appellants' disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); *see also* MPEP §2142.

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The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *See Ex parte Clapp*, 227 USPQ 972, 973 (BPAI 1985); *see also* MPEP §2142.

Appellants believe the issues on appeal will be more clearly understood after a brief history of the prosecution history.

The application was filed on November 2, 2000. In the first Office Action, mailed on February 9, 2004, the Examiner rejected claims 1-14 and 16-18 under 102(b) as unpatentable over Nazem et al. (hereinafter Nazem) US No. 5,983,227 and rejected claim 15 under 103(a) as unpatentable over Nazem, in view of Nehab et al. (hereinafter Nehab) US No. 6,029,182. In that Office Action, the Examiner admitted that Nazem does not explicitly teach an external page code source or a partial page regenerator. *See* Office Action of February 9, 2004, pages 7-8. The Examiner relied upon Nehab to teach the partial page regenerator.

Appellants filed an amendment and response on July 9, 2004, amending the claims to overcome the rejection and to recite: "(a) receiving, at a client, a transmitted page comprising a plurality of dynamic portions."

On June 28, 2005, the Examiner issued a Final Office Action, rejecting claims 1, 3-11, 13-15, 17, and 18 under 103(a) as unpatentable over Nazem in view of Jeyaraman, US Patent No. 6,311,187 (hereinafter Jeyaraman). The Examiner admitted that Nazem does not explicitly teach the step of receiving, by the client, a modified version of one of the dynamic portions of the page and an identifier specifying one of the plurality of dynamic portions of

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the transmitted page to be replaced by the modified version of one of the dynamic portions. The Examiner relied upon Jeyaraman for the receiving of a modified version of the dynamic portions of the page.

In the Remarks Accompanying a Request for Continued Examination, Appellants pointed out that Jeyaraman does not, in fact, teach or suggest receiving, by the client, a modified version of one of the dynamic portions of the page and an identifier specifying one of the plurality of dynamic portions of the transmitted page to be replaced by the modified version of one of the dynamic portions because Jeyaraman states that it is inefficient for clients to receive new copies of modified data, as opposed to only the operations that generate the modifications. *See* Jeyaraman, col. 1, lines 40-50. Because of this statement regarding the inefficiency of transmitting copies of the modified data, modifying Jeyaraman to transmit a modified version of a dynamic portion of a page would require changing the principle on which Jeyaraman operates.

In an Office Action mailed February 24, 2006, the Examiner rejected claims 1, 3-11, 13-15, 17, and 18. In stating that Appellants' arguments were not persuasive, the Examiner contradicted his previous admission that Nazem fails to disclose a dynamic page generator, wherein a user front page is returned by a page server. The Examiner did not address the Appellants statements arguing that Jeyaraman fails to teach or suggest receiving, by the client, a modified version of one of the dynamic portions of the page and an identifier specifying one of the plurality of dynamic portions of the transmitted page to be replaced by the modified version of one of the dynamic portions. In fact, the Examiner simply repeated, almost verbatim, the arguments made in the June 28, 2005, Office Action, in which the Examiner rejected the claims under 103(a) and admitted that Nazem fails to teach or suggest receiving, by the client, a modified version of one of the dynamic portions of the page and an identifier

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specifying one of the plurality of dynamic portions of the transmitted page to be replaced by the modified version of one of the dynamic portions.

In summary, the Examiner has admitted that Nazem does *not* disclose an element of the claimed invention, i.e., the receiving, by the client, of a modified version of one of the dynamic portions of the page and an identifier specifying one of the plurality of dynamic portions of the transmitted page to be replaced by the modified version of one of the dynamic portions. Appellants respectfully submit that the Examiner's contradictory and conclusory arguments fail to show that Nazem and Jeyaraman either alone or in combination teach or suggest every aspect of the claimed invention. Appellants request, for at least these reasons, reversal of the rejection of claims 1, 3-11, 13-15, 17 and 18, under 35 U.S.C. §103(a).

8.1.1. There is no motivation to modify the teachings of Nazem and Jeyaraman

Appellants respectfully submit that the Examiner has failed to make a *prima facie* case of obviousness because there is no suggestion or motivation, either in the cited reference or in the knowledge generally available to one of ordinary skill in the art, to modify the Nazem and Jeyaraman references as suggested by the Examiner since the proposed modification renders Nazem and Jeyaraman unsatisfactory for their intended purposes. *See In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Independent claims 1, 11, and 15 recite the step of receiving, at a client, a modified version of a dynamic portion of a page and an identifier specifying one of the plurality of dynamic portions of the transmitted page to be replaced by the modified version of the dynamic portion of the page.

Nazem fails to teach or suggest receiving, at a client, a modified version of a dynamic portion of a page. Nazem describes a page server that generates a complete page in response

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to a request for the page without the need to make requests from other servers for portions of live data. *See* Nazem, col. 1, lines 61-67, and col. 2 lines 8-11. Nazem wholly lacks the concept of a client receiving a modified portion of a page and replacing a dynamic portion of the page with the received modified portion of the page. The purpose of Nazem is to store live data in a local, shared memory for use by a server in responding to requests from users. *See id.* Nazem teaches that the client is sent a complete page. The page is constructed from one or more sources of live data.

One of ordinary skill in the art would not be motivated to modify the system described in Nazem. Modifying the system to require receiving, by a client, a modified version of one of the dynamic portions of the page and an identifier specifying one of the plurality of dynamic portions of the transmitted page to be replaced by the modified version of one of the dynamic portions would not improve the ability of a server to generate complete pages and transmit the complete pages to the client.

In the February 24, 2006, Office Action, the Examiner relied upon the arguments presented in the Office Action mailed June 28, 2005, and further stated that Nazem discloses a dynamic page generator, wherein a user front page is returned by page server and wherein the user front page is built according a user template and live data. *See* Office Action, pages 2-3, citing Nazem, col. 5, line 40 through col. 6, line 20. The Examiner does not state that the dynamic page generator teaches or suggests receiving, by a client, a modified version of a dynamic portion of a page. Additionally, in previous Office Actions, the Examiner has stated that Nazem does not explicitly teach the step of receiving by the client, a modified version of one of the dynamic portion of the page and by an identifier specifying one of the plurality of the dynamic portions into the transmitted page to be replaced by the modified version of one of the dynamic portions. The Examiner relied upon Jeyaraman to cure the deficiencies of

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Nazem, stating that Jeyaraman “discloses a system and method of propagating updates efficiently in a hierarchically structured data under a push model to a client. ...” *See* Office Action mailed February 24, 2006, page 7.

Jeyaraman fails to teach or suggest receiving, by a client, a modified version of one of the dynamic portions of a page. In Jeyaraman, updates inform clients of changes in hierarchically structured data. *See* Jeyaraman, col. 1, lines 18-20, and col. 6. Jeyaraman focuses on specifying the operations needed to manipulate nodes within client copies of data and transmitting the operations in updates to clients. *See* Jeyaraman, col. 6, lines 54-59, and col. 7. Jeyaraman does not suggest receiving, by a client, a modified version of one of the dynamic portions of a page, because the purpose of Jeyaraman is to increase efficiency by transmitting only the operations that will result in changes to data, in particular for clients with limited memory space, such as thin clients.

One of ordinary skill in the art would not be motivated to modify Jeyaraman to enable transmission of a modified version of a dynamic portion of a page because Jeyaraman states that it is inefficient for clients to receive new copies of modified data, as opposed to only the operations that generate the modifications. *See* Jeyaraman, col. 1, lines 40-50. Because of this statement regarding the inefficiency of transmitting modified copies of data to clients, modifying Jeyaraman to transmit a modified version of a dynamic portion of a page would require changing the principle on which Jeyaraman operates. Accordingly, Appellants submit that Jeyaraman does not teach or suggest receiving, by a client, a modified version of one of the dynamic portions of a page.

Even assuming, for the sake of argument, that Jeyaraman did suggest transmission of a modified version of data, one of ordinary skill in the art would not be motivated to modify a system for providing a page server with improved access to live data as described in Nazem

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to require the page server to transmit an instruction to a client to modify a page as required by Jeyaraman. As discussed above, in Nazem a server generates an entire page and transmits the entire page to the client. The client does not implement any changes or modifications to the page, receiving instead pages in their entirety from a server. Nor would transmission of an operation to execute on a client to modify a client page improve the ability of a server to retrieve live data from other servers. Therefore, transmission of portions of pages for implementation by the client would require changing the principle on which Nazem operates.

Appellants, therefore, respectfully submit that the claim language clearly recite receiving, at a client, a modified version of a dynamic portion of a page and an identifier specifying one of the plurality of dynamic portions of the transmitted page to be replaced by the modified version of the dynamic portion of the page and that Nazem and Jeyaraman, alone and in combination, fail to disclose, teach or suggest every aspect of the claimed limitation. Appellants request, for at least these reasons, that the rejection of claims 1, 3-11, 13-15, 17 and 18, under 35 U.S.C. §103(a), be reversed.

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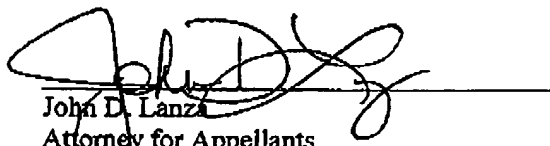
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IX. CONCLUSION

In light of the foregoing arguments, Appellants submit that pending claims 1, 3-11, 13-15, 17 and 18 are patentable when compared to the prior art of record and respectfully requests that the Board reverse the Examiner's final rejection of claims 1, 3-11, 13-15, 17 and 18.

Respectfully submitted,
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Dated: August 11, 2006



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APPENDIX A

1. (Previously presented) A method for incorporating a dynamic portion of a transmitted page into a previous version of the transmitted page displayed on a client, the method comprising:
 - (a) receiving, at a client, a transmitted page comprising a plurality of dynamic portions;
 - (b) displaying the transmitted page on the client;
 - (c) receiving, by the client, a modified version of one of the dynamic portions of the page and an identifier specifying one of the plurality of dynamic portions of the transmitted page to be replaced by the modified version of one of the dynamic portions; and
 - (d) incorporating, by the client, the modified version of one of the dynamic portions into the transmitted page displayed on the client responsive to the modification list.
2. (Canceled)
3. (Previously presented) The method of claim 1 further comprising receiving, by the client, additional code instructing the client regarding interpretation of the modification list.
4. (Previously presented) The method of claim 1 further comprising:
 - (e) copying a first portion of the transmitted page displayed on the client; and
 - (f) inserting the copied first portion into a second portion of the transmitted page displayed on the client.
5. (Previously presented) The method of claim 4 further comprising changing an identification tag associated with the second portion from a first value associated with the copied first portion to a non-identical second value associated with the second portion.
6. (Previously presented) The method of claim 1 further comprising moving a first portion of the transmitted page to a second portion.
7. (Previously presented) The method of claim 6 wherein the step of moving further comprises saving the first portion in a storage buffer.
8. (Previously presented) The method of claim 6 wherein the step of moving further comprises moving the first portion of the transmitted page to a second portion within the modified portion.
9. (Previously presented) The method of claim 6 further comprising changing an identification tag associated with the moved portion from a first value associated with the first portion to a non-identical second value associated with the moved second portion.

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10. (Previously presented) The method of claim 1 wherein step (d) further comprises replacing one of the plurality of dynamic portions comprising the transmitted page with the received, modified portion.

11. (Previously presented) A client for incorporating a dynamic portion of a transmitted page into a previous version of the transmitted page displayed on the client comprising:

a transceiver receiving a transmitted page and a plurality of dynamic portions included in the transmitted page; and

a display alterer in communication with the transceiver, the display alterer receiving a modified version of one of the dynamic portions of the page and an identifier specifying one of the plurality of dynamic portions of the transmitted page to be replaced by the modified version of one of the dynamic portions and incorporating the modified version of one of the dynamic portions into the transmitted page displayed on the client responsive to the modification list.

12. (Canceled)

13. (Previously presented) The client of claim 11 wherein the display alterer receives additional code instructing the client regarding interpretation of the modification list.

14. (Previously presented) The client of claim 11 further comprising a storage buffer in communication with the display alterer, the storage buffer storing a first portion of the transmitted page displayed on the client for use in updating the transmitted page.

15. (Previously presented) A system for incorporating a dynamic portion of a transmitted page responsive to the modification list, the system comprising:

an external page code source;

a client comprising:

a client transceiver, the client transceiver receiving a transmitted page and a plurality of dynamic portions included in the transmitted page; and

a display alterer in communication with the client transceiver, the display alterer receiving a modified version of one of the dynamic portions of the page and an identifier specifying one of the plurality of dynamic portions of the transmitted page to be replaced by the modified version of one of the dynamic portions and incorporating the modified version of one of the dynamic portions into the transmitted page displayed on the client responsive to the modification list; and

a server comprising:

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a server transceiver in communication with the client, the server transceiver transmitting the page and a plurality of dynamic portions included in the transmitted page to the client for display; and

a partial page regenerator in communication with the server transceiver and the external page code source, the partial page regenerator receiving from the external page code source page generation code that generates one of the plurality of dynamic portions included in the page and executing an associated code fragment of the code to modify the one of the plurality of dynamic portions included in the page.

16. (Canceled)

17. (Previously presented) The system of claim 15 wherein the display alterer of the client receives additional code instructing the client regarding interpretation of the modification list.

18. (Previously presented) The system of claim 15 wherein the client further comprises a storage buffer in communication with the display alterer, the storage buffer storing a first portion of the transmitted page displayed on the client for use in updating the transmitted page.